

THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO.17753 OF 2004

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DATE: 15th JUNE 2006

Between:

Sri Sri Sri Vinayaka Coconut Traders,
Rep. By its Prop: P.Yogendra, son of
Ramayya, aged 40 years, Watery Coconut
and Mundy Merchant, 3/421 C.B.Road,
Tadpatri, Anantapur District.

.... Petitioner.

And

1. Agricultural Market Committee,
rep. By its Secretary & Person-in-charge,
Palamaner, Chittoor District
and 5 others.

.... Respondents.

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ORDER:

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This writ petition is filed seeking a writ of Mandamus declaring the action of the respondents in collecting the market fee on the goods which are purchased outside the state and are being transported to Tadpatri, as illegal and consequently to direct

the respondents to refund the market fee collected on those goods.

2. There is no necessity of going into all the details. The petitioner paid the market fee as demanded by the check post authorities under protest. Generally, any fee collected is subject to detailed enquiry to be conducted into the matter. The petitioner disputes that the authorities are not entitled to collect market fee at the check post in view of the purchases made by him outside the state. These are the disputed questions to be decided by the authority concerned.

3. Therefore, the writ petition is disposed of directing the respondents to conduct a detailed enquiry into the matter and take appropriate decision as to whether the market fee already collected is legal or not. If it is found illegal, the amounts collected from the petitioner shall be refunded to him. No costs.

C.V.RAMULU, J.

Date: 15th June 2006.

BSB